



**EDENTON-CHOWAN
PLANNING AND INSPECTIONS DEPARTMENT**

P.O. Box 1030, Edenton, NC 27932
108 East King Street, Edenton, NC 27932
Phone 252-482-5618 FAX 252-482-5920



Chowan County Planning Board Minutes

July 19, 2005

7:00 p.m.

Chowan County Court House

Roll call was taken: Roger Spivey, Craig Blanchard, Jim Leggett, Fred Smith, Jack Held and Lia McDaniel were present.

Staff Present: Elizabeth Bryant, Planning Director

Chairman Roger Spivey called the meeting to order.

New Business: Review of Sketch Plan for 73 Lot Subdivision at NC Hwy 32 and Welch Rd.

Chairman Spivey: "We are going to have our business meeting here. Elizabeth will introduce the presenters of the development. After they present and share ideas I will open the floor to the citizens in the back of the room for public comments. Tonight we are not voting on preliminary approval, we will discuss the plans."

Chairman Spivey then gave the invocation.

Chairman Spivey: "We will dispense the reading of the minutes because of some corrections/additions ready for the next meeting. At this time I will turn the meeting over to Elizabeth."

Ms. Bryant: "Before you tonight you have a sketch plan for the proposed subdivision on NC 32 North and Welch Rd. in the northern end of Chowan County. You all should have received a copy of the plat and also a memo from me detailing some comments that I have made on the sketch plan. First I want to give explanation of what a sketch plan is and what is your task before you tonight. Our subdivision regulations give a provision for an optional sketch plan review. A lot of developers do this administratively by coming to me and asking for staff's opinion, some never submit a sketch plan and go straight into the preliminary plat submittal. We are appreciative that the engineers from Hyman and Robey have submitted a sketch plan, not only for staff's review, but also Planning Board review and comment. We have Kim Hamby and Sean McKnight here from Hyman and Robey, and they are going to be able to answer your questions regarding the sketch plan that you have and be able to field comments from the public. I want to note the four comments that I have on the sketch plan itself. I would like to know what the estimated distance is from

NC 32 and Welch Rd. to the end of the cul-de-sacs on the interior road. We have an requirement for the cul-de-sac length to be limited to 600 feet from a primary road. This may affect their sketch plan, though it may be changed in our subdivision regulation review that we are engaging in right now. In addition, I had a comment regarding the access to the interior portion of the lot. They have shown one point of access from a stub street. If you were to enter into the subdivision from Virginia Rd, make a left you would see to your right that there is only one point of access to that interior portion of the parcel. We would like to see more than that, more of a grid pattern. Also, I would like to know if there are plans for additional open or recreational space in future phases and get more information about intentions for the piece of property in the rear. We would find it pertinent to know what the outcome of a soil survey was, as far as its impact on lot size and drainage for the development. I would like to remind you all that they are in this process, in the planning process. After the sketch plan would be a preliminary plat submission. This would go before the Chowan County Technical Review Committee (TRC). TRC is made up of staff members from various agencies within the County and region. Then they would come to you all for preliminary plat approval. Before they could begin to sell the first lots they would come back to you all for final plat and then to the Board of Commissioners for final plat approval. There will be more chances for everyone to review and comment on the proposal.”

Ms. Hamby: “We have a distance of about 1600 feet from this distance to the end. This stub street was positioned to limit the cul-de-sac this would provide a turn around. We have had preliminary soil samples done by Jon Morgan and we paid for one test in each piece of land. The topography from this point (pointing to map) is a drop-off of about 15 feet over 100-150 feet. The soils change at that location, the front soils for preliminary testing show that they will support 25,000 square foot lots with septic systems. The rear will probably go into 40,000 square foot lots when the time comes. The developer, or one of his companies is Don Williams. He is a contractor; originally, he builds at the beach. He has gotten into doing some development work; he has a small subdivision in Camden and Currituck he is looking for a new market. He is trying to come in here and build something that will be suitable to the residents of Chowan County and try to offer some affordable housing. It will be all stick built homes. He is looking about the 1400-1500 square foot range. The reason we have only planned the frontage is because he is not sure what the market is going to be like in Edenton and Chowan County. He doesn’t want to master plan an entire development and get over here find out that things just don’t sell. Also, we have a lot of environmental type of work we have to do to be able to work back here. There are wetlands. Drainage should not be an issue with the creek being there. We have some major drainage ditches crossing through the site especially for the higher level lots along the road frontage. Right now we have not discussed any active recreation space. The 35 foot buffer which is going to be landscaped with some type of berms and fencing could be utilized with a walking path and can count towards some open space. I anticipate that when he comes into the rest of the development with the large lots and a lot of unusable land, from the wetlands that there could be open space dedicated near the wetlands that could be utilized for trails or picnic areas. Would you like to see three accesses?”

Ms. Bryant: “Yes.”

Ms. Hamby: "We don't have any problems with that. Mr. Williams wants to do something that is going to make everybody happy. We want your comments."

Mr. Leggett: "Did you say he built some other large facilities?"

Ms. Hamby: "He has not done any large developments. He just got a 17-lot subdivision approved in Camden County. I am not sure of everything that he has done. I know he is working on a small development in Currituck County. He has done major commercial development in Currituck, he built both the new Sonics, the one in Grandy and one in Moyock that he has just done. He built and owns those."

Mr. Leggett: "There is no commercial in here is that correct?"

Ms. Hamby: "No, this is all residential. He has held out some lots that in anticipation that in some day if the subdivision takes off, it would be a good place to try to locate a small conveyance store to try and aid the residents."

Mr. Held: "Is that all wooded parcels?"

Ms. Hamby: "Most of this is all cleared land. There is some wooded area and swamp area and a lot of that is not going to be usable for lots."

Mr. Leggett: "When I look at this tract, this is about 1/3 to be developed up front, it looks like it has potential to be developed less than 200 units. It depends on how large the square footage you are talking about."

Ms. Hamby: "These lots we have been able to maintain for a minimum of 25,000 square feet because of the good soils. In the back they are going to approach an acre. When we get into this are there are going to be large amounts that are unusable. The lots extended for wetlands will be 2-4 acre lots."

Mr. Leggett: "This proposal is for 72 lots right now. The entire site has potential for a lot of lots. I see potential for quite a bit of traffic which NC 32 carries a lot of traffic anyhow. DOT is looking at widening it. I don't know if it will be widened with lanes or shoulders but it needs it. It is interesting to me because a lot of motorists coming out of this site will take 32 out of the site. This site with one entrance at Welch Rd is hilly and the entrance area to the site may need to be backed up some."

Ms. Hamby: "We could do that. We don't want to put this entrance directly adjacent to that property. We could slide that around."

Mr. Leggett: "It may be that with the amount of traffic that this site could generate, this entrance probably should require some widening of NC 32 for a left turn lane, at this entrance and at the entrance of Welch Road. Welch Road is going to take a lot of left turns and right turns out."

Ms. Bryant: "At TRC we always invite our district engineer, they will have the ability to make comment if they would require widening or turn lanes or prefer relocation of the entrance. Darrick Lee is our district engineer."

Ms. Hamby: "I will send a copy to Darrick and get that started."

Mr. Held: "Where is Welch Road?"

Ms. Hamby: "It dead ends into another road, Cannons Ferry Road. It is very rural."

Mr. Held: "So most traffic would come into Edenton via Hwy 32."

Mr. Leggett: "The bridge that is north of this site, it may be affected by the widening."

Ms. Hamby: "We would have to check into that."

Mr. Blanchard: "There are three existing lots and there is space in between those lots, what is that for?"

Ms. Hamby: "That is to buffer those residences from the road. I believe he actually going to offer that land to those people to expand their lots."

Mr. Held: "You are looking at ½ acre lots, with \$150,000 homes?"

Ms. Hamby: "With property values changing like they are now, I am not sure I could answer that."

Ms. McDaniel: "On your drainage, where is it going to drain?"

Ms. Hamby: "We have not worked it all out yet, but between the major drainage ditches that are here and the fact that this is all low wet land, all of our drainage should be directed to the back of the property (showed aerial photo of the land to Board). We will have to go through Storm Water Permitting. If they feel like the run-off is increased we would have to do some sort of attention. We work with Duane Hinson quite a bit and we have found if you are not doing more than 2 lots per acre, that run-off from residential properties verses farm lands does not increase because the ditches end up being braced with lateral slide slopes."

Mr. Leggett: "The right of way is 60 feet, if a left turn lane is required, the right-of-way would possibly be lessened and I am not sure if a 35 foot buffer would accommodate that."

Ms. Hamby: "We have sufficient lot dept so we could make lots wider."

Mr. Leggett: "The site at the corner may need to be dedicated to a flasher for the dip up there."

Ms. Hamby: "Traditionally when we do an intersection at the intersection of two existing state maintained roads, we do a 100 foot site triangle where they dedicate the space that is restricted to landscaping that is not allowed to surpass a certain height."

Chairman Spivey: "I would like to approach the map and address some concerns that I have. On lots 4,3,12 and 21 you see drainage ditch going from Highway 32 west. This drainage ditch is 10-12 feet deep."

Ms. Hamby: "We have a lot of work to do but we want to make sure that we have easement on that ditch."

Chairman Spivey: "Lot 4, if you keep the ditch, there is going to be some land on the north side of that drainage ditch."

Ms. Hamby: "We will re-align that ditch, it would be cleaned up some to follow a straight line, and the sides would be sloped off. We try to make property lines follow the existing drainage where we can, in situations like this, some re-routing may be necessary."

Chairman Spivey asked about the pavement radius.

Ms. Hamby: "We do a 35 foot pavement radius, standard for secondary roads. Currituck County has made us go to a 45-foot pavement road because they are concerned about ladder trucks. Most Counties have not showed that concern. It is a 50-foot right of way and a 50-foot right of way radius at the cul-de-sac. It would be done to DOT standards."

Chairman Spivey: "Would it be any possibility of going to a 55 foot because of bus traffic?"

Ms. Hamby: "Sure, that justifies the need for that."

Chairman Spivey: "You said you have had borings done by Jon Morgan on the lots."

Ms. Hamby: "Not on all of them, we just had a couple of tests done for sketch. Once we get this laid out better we will have them done on each individual lot."

Chairman Spivey: "What happens if someone buys a lot, and it does not perk."

Ms. Hamby: "That should not be possible, we will get his approval on all of this before lots are sold."

Ms. Bryant: "He would have to approve through TRC, that will be required on each lot, before it could be recorded."

Chairman Spivey: "The reason I am saying this is because these two Ward brothers put in a trailer last year, they had approval, a permit and one of them put in a septic tank system that is already giving them trouble. It was approved by the Health Department."

Ms. Hamby: "There is a type of system, I don't know what kind of system that he has, there is a type of system that Health Departments are allowing to be used that are being pushed. They are called chambers, and it allowed a reduction in the overall square footage of the fields but what they have found, is the way they sit, it is an open chamber that sits down on a sand bed. Once they start driving the dozers over it to grade the lots out and that causes the problems. They have quit recommending those. I don't know if that could be the situation, I don't know what kind of system he has, that is one possibility."

Chairman Spivey: "The land owner sued the contractor and the contractor said they are not going to do anything to correct the problem. The county was mentioned, I don't know if the landowner has plans to pursue the County or the contractor. We don't want to have any development that is going to come back at the County and DOT with litigations in court. We want to do the very best that we can."

Ms. Hamby: "The Health Department's regulations have been changing pretty drastically over the last couple of years. We had him do one boring back in a low area and we had him do one up front here, it is possible when we get into the preliminary plat with design stages that we get him to come up here and do all of this. The Health Department requires more through checking. They check lot by lot and determine specifics of lot dimensions."

Mr. Leggett: "This is a large development, I think this will have a great impact on the County. But there is a lot of traffic on 32. We need to pay attention to accesses on 32. I am concerned about the elevation and access. The entrance maybe should be widened to three lanes, instead of 2 lanes. Even if the lots are enlarged there will be a lot of development coming in and out on 32."

Chairman Spivey: "This is a very dangerous intersection. There is a hill and there is low visibility going up the hill towards Edenton. This could become more dangerous. From what we have been reading in the Chowan Herald, the DOT is not going to do much to 32 until 2011. There is going to be a lot of traffic on that road. Less than four years ago, this bridge washed out and this culvert washed out during Isabel. A lot of water comes out of this field."

Ms. Hamby: "What ever we do with the drainage over here can only help where the water goes across the street. Water Quality will require good side slopes and be much easier to maintain. It sounds like Welch Road would be a good candidate for one of those flashing lights that show when someone is entering the intersection."

Chairman Spivey: "If there are no further questions/concerns from the Board we will open the floor to public comment."

Glenn Rogerson: "I am a life-long resident of Chowan County, I have been a farmer all of my life, and I presently reside in Ryland and my operation is in the Center Hill area. I have a lot of problems with this design. This is my uncles house (pointing to map) this land is extremely springy, meaning what we farmers call 'springland' where water naturally comes up out of the ground. We have a lot of pressure that pushes water out; I have seen this whole area under a foot to two foot of water. My uncle had a cattle pasture back here, we could not farm it because it was too wet, but yet, people want to put houses back there. That puts us in a very precarious situation. All the water is going to go here, back here and some is going to go across this way. It is going what we call blue lines; blue lines are creeks that are maintained all year long. They are proposing to put all these lots, and I know all of these lots will not perk because they are too springy. What they propose is to dump tons and tons of sewage into the ground. Water flows naturally this way, what is going to be the liability, is the developer going to put a bond for liability for all the leakage that is going to occur as this matures? Is the County going to be liable for it? Who is going to carry liability? This is a blind curve, when you come down this road you cannot see 32, if you turn off of 32 you are still in a curve. This curve is banked sharply; this is a very dangerous place. Also, on the cul-de-sac, it was my privilege to serve 2 years as a 911 operator for Chowan County and I have heard firemen say that if there was a fire at Hayes Plantation, if there was a rush of people, he could not get in. What is the impact going to be on the school system. How many children will go through the school system. I got these figures from tax figures, that for every acre that was developed in blocks, for every dollar that you received in tax you had to put a dollar and thirty cents of services. And that will come from your pocket. What about reserves in our water systems, how much do we have right now? What happens to farmers that depend on surface wells to water our livestock to get water for our crops to spray? What guarantee do the farmers have that they are not going to get sued for someone coming in that says, I don't like the way your farm smells and I am going to sue you? In North Carolina you have the right to farm, but as North Carolina becomes more suburbanized that right is going to change. What protection do we have from having our livelihood taken away from us because someone does not like them putting manure on the other side of the swamp? What happens when a crop duster sprays the cotton over here?"

Gave an example of a case in Arizona of a crop duster spraying.

"As a Board, this is your responsibility to treat this as if it were next door to you. I live several miles from this but I think you need to strongly consider even allowing it in. I can tell you from personal experience that people in this community do not want you (speaking to the engineers). The first thing people are going to do is buy a four wheeler, where are they going to go, right across farm land, they are going to tear down ditches, they will tear up crop, possible vandilazation. I have had a lot of problems with four wheelers."

Chairman Spivey: "Glenn, I am going to ask you to come back before this committee does preliminary plat. You are going to see some very good plans."

Mr. Rogerson: "I hope so, but, I am not very optimistic."

Commissioner Harry Lee Winslow: "I am a resident of the North end of the County also, I have a couple of items that I would like to expand on a little. Ms. Bryant alluded to the entrance going into the back property. Lets say this property is never developed and it remains wooded at some future time, the timber is going to need to be cut, how do you propose to get to it? You can't bring a log truck in. Fire trucks cannot turn in the cul-de-sac and you have potential of a dangerous situation when they back out for fire, rescue and school buses. I don't see a school bus stop; you will have to have a stop somewhere. When people build a house and moving vans come in, how are the tractor trailers going to get in?"

Ms. Hamby: "These roads are the same width as all secondary state roads."

Commissioner Winslow: "He will block the road. Did you all develop the Red Oak development in Elizabeth City?"

Ms. Hamby: "We had a part of that but the layout was done by someone else."

Commissioner Winslow: "All the water from that development goes into the creek. It has a drainage problem. If all the water goes into this creek and the creek doesn't take it then we will have problems."

Chairman Spivey: "When you come and talk to us with the preliminary plat that you will bring a drainage plat?"

Ms. Hamby: "We will have a drainage plan that will be reviewed by the Department of Environment and Natural Resources. We will have water line plans that have approved by the water superintendent. We are proposing an open ditch subdivision; it will be low density to keep the run off at a minimum. There will be limitations as to how much can be built on each lot to keep it low density and will be signed off by the state."

Chairman Spivey: "Are there any more comments?"

Jimmy Ward: "I am a resident of northern Chowan County, there are two things I would like to say, about the area in the back because of the springishness of the land. I am a rural carrier for that end of the County and on my route I come down 32 up through here and turn around. Going up north, there is a drop, curve and Welch Road. I always make sure I am looking at the traffic behind me because I have to turn left on Meadow lane and if someone is behind me I have to keep going and turn the other way. The car behind me is not going to have much time to see me stop. An accident could happen. It is dangerous."

Carolyn Ward: "How wide are the lots?"

Ms. Hamby: "We are shooting for 125 feet wide but the minimum is 100 feet wide."

Ms. Ward: "What did you say about the houses that are going to be built?"

Ms. Hamby: "Right now we are expecting 1400 – 1500 square foot houses. The goal is to get some good affordable housing for young couples."

Commissioner Winslow: "Will the houses be stick built?"

Ms. Hamby: "They will all be stick built on crawl spaces."

Ms. Ward: "Will your company do the building?"

Ms. Hamby: "We are just the Engineering firm. The developer is going to contract."

Ms. Ward: "Who is the contractor?"

Ms. Hamby: "Mainstay Construction, Don Williams."

Mr. Rogerson: "To the Planning Board if you all get the Daily Advance just look at it to see what kind of problems Camden, Currituck and Pasquotank are having with rapid development. Ask yourself, does Chowan County really want this?"

Chairman Spivey: "The County Commissioners have given us the duty of zoning Chowan County. We are in the process of working on the zoning. We should have this ready by June or July of next year. We are zoning the whole County. They will bring back their preliminary plans the Board will ask questions, we will have public comments. Then we will entertain a motion to approve or not that plat. This is the preliminary plans to recommend to the County Commissioners and the Commissioners have the final say so."

Larry McLaughlin: "Water quality needs to be considered. From my view as we look to the future, determining how many houses a piece of land can hold, if it is going to be a septic system, we rely on the Health Department, a ½ acre of land for a septic system is small depending on the soil type. I am interested to know more about the soil type."

Mr. Blanchard: "Does the water department weigh in on the impact of water? Are the developers responsible for making any improvements?"

Ms. Bryant: "Yes. We have now set up a fee system to set up a separate water treatment plant."

Mr. Leggett: "Are there many other homes back here?"

Ms. Hamby: "There is a private residence at the back of Welch road."

Mr. Ward: "There are five homes back there."

Mr. Leggett: "Isn't there an industrial site down the road from there?"

Chairman Spivey: "That is C.A. Perry's. It is agricultural supplies, fertilizer, and trucking firm."

Ms. Hamby: "We will contact DOT for recommendation."

Chairman Spivey: "Is there any more business to bring before the table? (There being none)"

Mr. Smith: "I move that we adjourn."

Ms. McDaniel: "Second."

Chairman Spivey: "All in favor? (6-0) The meeting is adjourned."